

APPENDIX 1

Appendix 1

This chart lists (on the left) Skytel/Havens statements* in opposition to MCLM Second Thursday relief and to ULS Application 00023003355 and (on the right) FCC responses to those statements in FCC-16-172, if any.**

* In the amended Petition-2 (see Preface) the FCC responses to some of these items will be included, but many of these were not addressed at all.)

Date	Document	Pg	PP	Havens Statement	Summary of Main Points
2007 04 09	04-09-2007 Application for Review, Errata version - marked	13	2	The Recon Order does not mention these precedents or state how they are not applicable or good law in correct. It also failed to refute Petitioners' showings that McKay and Superior Oil are applicable, contrary to the Recon Order's assertions, and that Biltmore is also applicable, but is being misconstrued by the Recon Order. ("Applicable" here meaning supportive of the PD.)	McKay and Superior Oil, two precedents, required awarding licenses to lawful high bidders, ENL and ITL, not MCLM
2007 04 09	04-09-2007 Application for Review, Errata version - marked	16	fn16	²⁶ The Recon Order at ¶8 is incorrect that McKay and Superior Oil are not applicable. They clearly apply as shown in the Past Pleadings and here because the Application is indeed defective under Commission Rules and precedents, regardless of the Bureau's erroneous assertions to the contrary.	McKay and Superior Oil, two precedents, required awarding licenses to lawful high bidders, ENL and ITL, not MCLM
2007 04 09	04-09-2007 Application for Review, Errata version - marked	14	3	(8) Recon Order failed to address Petitioners' demonstrations of actual injury, including that they were in fact the high bidders who followed the rules and were qualified in bidding, and that the unlawful grant of the Application deprives them of the right to be awarded the Licenses. In addition, the Recon Order failed to address their argument that they have, effectively a competing long form for the Licenses and thus have Ashbacker rights (under the US Supreme Court Ashbacker decision, 326 U.S. 327, on FCC license applications) which entitles them to a hearing.	Environmental and Intelligent Transportation have Ashbacker rights - entitling them to the licenses, not MCLM
2014 10 24	2014 10 24 OPPOSITION TO PETITIONS FOR RECONSIDERATION- Errata Copy() marked	5	1	We demonstrated in the MCLM bankruptcy under a Confidentiality Order with a well qualified professional appraiser and appraisal, which the court accepted, that the value of the MCLM licenses to be sold to Choctaw under the Chapter 11 Plan, if the FCC approves are well in excess of \$100 million. This will result in a tax gain to Choctaw of over \$100 million (the fair market value less what was paid- mainly the debt forgiveness) and to MCLM and its owners of something in the range of over \$10 million (the debt forgiveness which is gross income, less cost basis in the licenses). [continued below]	The value of the MCLM licenses exceeds the innocent debt and Second Thursday is for the purposes of benefiting innocent creditors, not providing a boon to MCLM or Choctaw

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2014 10 24	2014 10 24 OPPOSITION TO PETITIONS FOR RECONSIDERATIO N- Errata Copy() marked	5	1	[continued from above] This requires, to pay the taxes, the sale of licenses not for innocent creditors, but to pay ef the tax on the windfall gains--if any Second Thursday or other special relief is granted to allow the Choctaw Chapter 11 Plan to be implemented. This is outside of the purposes and allowances of Second Thursday policy. This is a form of fraudulent transfer includieng since MCLM and Choctaw deliberately misstatke to the FCC the value of the licenses, and the windfall, to get around the actual tax that will be due and to cheat the US Treasury.	The value of the MCLM licenses exceeds the innocent debt and Second Thursday is for the purposes of benefiting innocent creditors, not providing a boon to MCLM or Choctaw
2007 04 09	04-09-2007 Application for Review, Errata version - marked	8	4	In fact, the Bureau has thrown out these requirements to fully and timely disclose all affiliates and their gross revenues, and many other fundamental rules, in this MCLC Application proceeding, making a blatant mockery of required due process and rule of law. The rule requirement was that an applicant discloses all affiliates and states their revenues. ¹³ With regard to the numerous other affiliates, which Petitioners did not just merely assert, but gave credible evidence of, including government filings, the Recon Order inexplicably simply accepted MCLM's bald denial that they are affiliates or that they had no gross revenues. ¹⁴	The gross revenues of MCLM's affiliates disqualified it from any bidding credit, invalidating the licenses

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	9	1	Petitioners have provided evidence in the Past Pleadings that MCLM's and the Depriests has have numerous other affiliates and that they, contrary to MCLM's assertions, have gross revenues disqualifying MCLM from any bidding credit at all (see e.g., but not limited to, PD at Section 6 and Exhibits 2 and 5; PD's reply at Section 3 and Exhibit 2; First Recon at Sections 1-3 and Exhibits 2-4; First Recon's reply at Section 2 and Exhibits 2-4; Second Recon at Section 5 and Appendix; and ACL Recon at pages 22-23 and Exhibit 3). However, the Recon Order does not address this evidence and MCLM does not refute it, except for bald assertions and denials. And except for ANC, the Bureau did not require MCLM to list even those affiliates admitted to on its Form 601 as required by the Commission's Rules. ¹⁶ This is a procedural error, contrary to the rules and Commission policy and should not be allowed. The Commission should address this evidence and require further investigation and hearing of it.	The gross revenues of MCLM's affiliates disqualified it from any bidding credit, invalidating the licenses
2007 04 09	04-09-2007 Application for Review, Errata version - marked	9	fn16	¹⁶ Petitioners together have participated in multiple FCC auctions and have always had to list all their affiliates and their gross revenues for the preceding three years on the Forms 175 and 601 per the rules. This is the case for all bidding applicants in Commission auctions. This is the requirement of the rules. It is done to public disclose information so that it can be determined by the FCC or others whether or not an applicant qualifies for a bidding discount. It also allows other bidders to know who they are bidding against. However, with regard to MCLM, the Bureau has made an inexplicable exception by letting MCLM choose which it affiliates and their revenues it does or does not list on its Forms 175 and 601, when those were due and later.	The gross revenues of MCLM's affiliates disqualified it from any bidding credit, invalidating the licenses

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Date	Document	Pg	PP	Havens Statement	Summary of Main Points
2007 04 09	04-09-2007 Application for Review, Errata version - marked	13	1	The Past Pleadings has demonstrated that the Mobex's gross revenues alone if attributed could have easily changed bidder size to where MCLM qualified for no bidding credit. The Recon Order failed to address these facts and revenues showings.	The gross revenues of MCLM's affiliates disqualified it from any bidding credit, invalidating the licenses
2007 04 09	04-09-2007 Application for Review, Errata version - marked	13	4	(4) The Recon Order did not address Petitioners' showings that revenues by affiliates of Donald DePriest and MCLM mean MCLM did not qualify for any bidding credit.	The gross revenues of MCLM's affiliates disqualified it from any bidding credit, invalidating the licenses
2007 04 09	04-09-2007 Application for Review, Errata version - marked	20	2	However, Petitioners have clearly provided sufficient evidence, (including government documents contradicting MCLM's short and long forms, assertions and even statements by MCLM to the contradicting y such forms, regarding MCLM's control, its affiliates and their gross revenues) , and that show MCLM has changed its entity DE size and control thereby resulting in its Form 175 and Application being defective and it being disqualified from Auction No. 61: And of these, MCLM has admitted to sufficient facts and violations to require denial of the Application without any hearing.	The gross revenues of MCLM's affiliates disqualified it from any bidding credit, invalidating the licenses
2007 04 09	04-09-2007 Application for Review, Errata version - marked	15	2	Regarding Recon Order at ¶8 and ¶10, Petitioners showed specifically in the Past Pleadings with specific facts and by referring to FCC rules and precedents why there was a change in bidder size and control and why this each was a major amendment including under Section 1.2105 and disqualified the Application. In the Amendment Order, the Bureau suggested that §1.2105 did not apply at all at 601 stage. ²²	Section 1.2105 required dismissal of MCLM's application because change in bidder size is a major amendment that is impermissible, making the licenses void ab initio

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	15	2	The Recon Order at ¶10 continues to misapply §1.2105, and at ¶8 and ¶10 it continues to misconstrue and misapply Biltmore. ²³ Petitioners showed in the First Recon, Second Recon and ACL Recon that this is not true and that §1.2105 does apply, that legal precedents support this, including Biltmore and many others cited, and that the Application is incurably defective and the Amendment is major, and therefore that the Application must be dismissed and per Court precedents the Licenses awarded to the rightful winners (see the Past Pleadings for details, including, but not limited to First Recon at Section 1 and Section 4; the First Recon's reply at Sections 4 and 5, footnote 3 and Attachment 1 (pages 14-18); the Second Recon at Sections 5a-5d and 5h and at Appendix; the Second Recon's reply at pgs. 1-9; and the ACL Recon at pages 8-18. . . .)	Section 1.2105 required dismissal of MCLM's application because change in bidder size is a major amendment that is impermissible, making the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	15	2	Petitioners made arguments and cited precedents that the auction Forms 175 and 601 are connected and that a §1.2105 violation, including but not limited to, a change in a bidder's size or control resulting in a change in designated entity status which changes bidding credit eligibility is major and disqualifying. The Recon Order failed to address these arguments and precedents that were directly on point.	Section 1.2105 required dismissal of MCLM's application because change in bidder size is a major amendment that is impermissible, making the licenses void ab initio

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	16	3	The Commission made rule §1.2105 and Petitioners cited to that its rulemaking decision to showing that the Amendment, and MCLM's change in control, and its change in bidding credit eligibility (size) per the designated entity provisions due to its change in size is are each major amendment. ²⁷ In the Recon Order the Bureau is rewriting and reinterpreting rules, and rulemaking decisions of Commission. Any change in an applicant's ownership, control or its bidder-discount size are major amendments. It is clear that MCLM's change in size ²⁸ affecting its bidding credit eligibility as a designated entity is major and not a minor amendment such as a typographical error. Nothing in the Recon Order successfully refuted the Past Pleadings showings on this. Thus, the Recon Order is clearly in error in its interpretation of §1.2105 and must be overturned and the Application dismissed	Section 1.2105 required dismissal of MCLM's application because change in bidder size is a major amendment that is impermissible, making the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	17	2	§1.929 is a general rule for all wireless services. §1.2105 is specific to auction applicants and applications. §1.2105 does state that change in entity size causing change in designated entity status for bidding credit eligibility is major. Both §1.929 and §1.2105 apply to MCLM application. They are not mutually exclusive (the latter's auction-specific requirements are in addition to the former's more general requirements, and prevail in any conflict). Thus, the Recon Order's argument is spurious and ineffective on this point.	Section 1.2105 required dismissal of MCLM's application because change in bidder size is a major amendment that is impermissible, making the licenses void ab initio

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	17	3	In addition, the Recon Order avoids the fact that besides "ownership," §1.929 defines a change of control as a major amendment too. ²⁹ Petitioners provided evidence as shown and discussed in the Past Pleadings and herein that a change of control of MCLM has occurred, including but not limited to, that Mr. DePriest is an officer and director of MCLM and he is the sole director and president of its controlling interest, Coml. Since this was never disclosed in MCLM's Form 175 (nor in the Application), it is disqualifying per §§ 1.929 and 1.2105.	Section 1.2105 required dismissal of MCLM's application because change in bidder size is a major amendment that is impermissible, making the licenses void ab initio
2014 10 15	2014 10 15 PETITION FOR RECONSIDERATION Of Skytel-2 Entities- Errata Copy() - marked	8	3	To correct its deficient application, MCLM would have had to amend the application to disclose that Donald DePriest is at least a 50% owner. That amendment would have involved a transfer of negative control and that would be a major amendment under Section 1.2105(b), Modification and Dismissal of Short Form Applications.	Section 1.2105 required dismissal of MCLM's application because change in bidder size is a major amendment that is impermissible, making the licenses void ab initio

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2014 10 14	2014 10 14 PETITION FOR RECONSIDERATIO N Of Skytel-1 Entities- Errata Copy() - marked	4	1	Yet over that time, MCLM took the ALJ, his office, the Enforcement Bureau and Skytel entities through extensive and costly discovery and motions proceedings maintaining that all these actually terminated stations were still valid. MCLM even used these licenses MCLM fully knew were dead for bargaining in serial “stipulations” with the Enforcement Bureau, in which it tried to extract concessions to keep other licensed stations (for which it had not proved up lawful construction and permanent service operations) in exchange for giving up the dead licensed stations (which were all of the licensed stations but for 16, which is at most approximately 10% of the total, or far less if the noted both blocks along the Gulf Coast and noted Inland Waterways are counted as separate stations at each station location). [continued below]	MCLM's fraudulent actions before the FCC should have resulted in revocation of its licenses, disqualifying it from receiving relief
2014 10 14	2014 10 14 PETITION FOR RECONSIDERATIO N Of Skytel-1 Entities- Errata Copy() - marked	4	1	[continued from above] This is fraudulent representation, lack of candor, violation of 18 USC §1001 et seq. of the criminal code, violation of sections 1.52 and 1.17 (and thus involves d §1.29 also), and violation of the attorney bar code prohibiting support of crimes by attorneys, and thus waives attorney-client privilege and confidentiality, as to the outside and inside counsel that perpetrated this. This now-shown, by admissions in the Joint Stipulation, fraud, unlawful acts and crimes should be found as fully disqualifying, resulting in revocation of all of MCLM's licenses and barring it and those responsible inside and outside from further dealings with the FCC.	MCLM's fraudulent actions before the FCC should have resulted in revocation of its licenses, disqualifying it from receiving relief

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2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	6	4	In addition, whether this amendment was made or not, the short and long forms of MCLM misrepresented ownership and control, provide false certifications of this essential threshold requirement of these (and any other) applications for radio spectrum, and fully rendered the applications fatally defective, and the auction participation and high bids of Maritime, and licenses issued, void ab initio.	MCLM's fraudulent actions before the FCC should have resulted in revocation of its licenses, disqualifying it from receiving relief
2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	13	2	MCLM did not file an accurate, minor amendment of reported revenues. It failed to file an accurate amendment, it misrepresented the facts and lacked candor. Under any interpretation of the spousal attribution rule and Biltmore, the MCLM application was defective and an abuse of the auction process. It should have been denied, not granted, the Skytel application for review should be granted and the MCLM license grant should be rescinded.	MCLM's fraudulent actions before the FCC should have resulted in revocation of its licenses, disqualifying it from receiving relief
2007 04 09	04-09-2007 Application for Review, Errata version - marked	3	fn7	⁷ MCLM Ddirectly and via its predecessor in interest, Mobex, which to this day MCLM continues to do business with as an affiliate or subsidiary. (Petitioners have provided evidence in this proceeding, including that Mobex publicly alleged, with various Motorola dealers, to be operating the MCLM A-block incumbent stations.)	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	8	4	The Recon Order, and the Bureau previously, agreed with Petitioners ¹⁰ that MCLM and the DePriests ¹¹ failed to disclose in their Form 175 and Form 601 at least 3 affiliates other than American Nonwovens Corporation ("ANC"). ¹² Inexplicably, again, Bureau staff do seem not think that a fundamental auction requirement has any particular significance to auction results (or even to value in enforcement since rules have no meaning otherwise): again, the Bureau grants an effective waivers without being asked and without good cause.	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	8	4	In fact, the Bureau has thrown out these requirements to fully and timely disclose all affiliates and their gross revenues, and many other fundamental rules, in this MCLC Application proceeding, making a blatant mockery of required due process and rule of law. The rule requirement was that an applicant discloses all affiliates and states their revenues. ¹³ With regard to the numerous other affiliates, which Petitioners did not just merely assert, but gave credible evidence of, including government filings, the Recon Order inexplicably simply accepted MCLM's bald denial that they are affiliates or that they had no gross revenues. ¹⁴	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	9	1	Petitioners have provided evidence in the Past Pleadings that MCLM's and the Depriests has have numerous other affiliates and that they, contrary to MCLM's assertions, have gross revenues disqualifying MCLM from any bidding credit at all (see e.g., but not limited to, PD at Section 6 and Exhibits 2 and 5; PD's reply at Section 3 and Exhibit 2; First Recon at Sections 1-3 and Exhibits 2-4; First Recon's reply at Section 2 and Exhibits 2-4; Second Recon at Section 5 and Appendix; and ACL Recon at pages 22-23 and Exhibit 3). However, the Recon Order does not address this evidence and MCLM does not refute it, except for bald assertions and denials. And except for ANC, the Bureau did not require MCLM to list even those affiliates admitted to on its Form 601 as required by the Commission's Rules. ¹⁶ This is a procedural error, contrary to the rules and Commission policy and should not be allowed. The Commission should address this evidence and require further investigation and hearing of it.	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	9	fn16	¹⁶ Petitioners together have participated in multiple FCC auctions and have always had to list all their affiliates and their gross revenues for the preceding three years on the Forms 175 and 601 per the rules. This is the case for all bidding applicants in Commission auctions. This is the requirement of the rules. It is done to public disclose information so that it can be determined by the FCC or others whether or not an applicant qualifies for a bidding discount. It also allows other bidders to know who they are bidding against. However, with regard to MCLM, the Bureau has made an inexplicable exception by letting MCLM choose which it affiliates and their revenues it does or does not list on its Forms 175 and 601, when those were due and later.	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	10	fn17	¹⁷ MCLM failed to disclose all of its affiliates in its Form 175, in response to the §1.41 Request submitted by Petitioners during the auction, and in the Application and Amendment. This is further reason why the Bureau cannot accept bald denials of credible evidence in any case, but particularly, as in a case like this, where the applicant has repeatedly failed to disclosed (lacked candor of) disqualifying information that they MCLM and Depriests were certainly entirely aware of since the beginning.	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	13	4	(5) The Recon Order did not address numerous other affiliates named and sufficiently documented (some extensively) in the Past Pleadings including: MCT Corp, MCT Investors LP, Maritel, Motorola, the other (nondisclosed) two American Nonwovens subsidiaries (in Alabama and Tennessee), the major agricultural business of Mr DePriest (funded by the US Department of Agriculture grants), and all the affiliates of Sandra DePriest. Petitioners presented credible evidence that each of these (and more) are indeed affiliates of MCLM or its controlling interests, as well as attributable gross revenue figures.	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	13	5	(6) Mobex (Mobex Communications Incorporated, Mobex Network Services LLC, and their subsidiaries, affiliates, and controlled entities [including those using in their names "Mobex"]) was a predecessor-in-interest and had to be disclosed as affiliate (see e.g. PD at page 2, and Sections 6-9, and Exhibits 3-5; First Recon at pages 23-24 and Exhibit 4; First Recon's reply at Section 2, Attachment 1, and Exhibit 4; ACL Recon at page 22 and Exhibit 3; ACL Recon Reply at pages 4-6—This cites to a Supreme Court case as support). The Past Pleadings has demonstrated that the Mobex's gross revenues alone if attributed could have easily changed bidder size to where MCLM qualified for no bidding credit. The Recon Order failed to address these facts and revenues showings.	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	14	2	(7) Recon Order failed to address NRTC's affiliation. In addition, Section 1.2107 required further explanation of the MCLM and NRTC bidding agreement on the Application. Petitioners have pointed this out since the PD and in subsequent pleadings. However, this was not done and the Bureau never explained why this rule was apparently waived for MCLM. The PD provided sufficient evidence requiring a hearing on this.	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio

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2014 10 24	2014 10 24 OPPOSITION TO PETITIONS FOR RECONSIDERATIO N- Errata Copy() marked	16	7	The Order lifted the stay on disqualification and revocation issues in the liDO. One of the prime reasons for the liDO and hearing in 11-71 is because the DePriests did not accurately disclose their affiliates and the revenues of their affiliates they controlled, and possibly other affiliates. The DePriests' and their affiliates will have to provide accurately all of their gross revenues information in the 11-71 hearing, unless MCLM gives up in the hearing. The involuntary bankruptcy filed against DePriest cannot stay the 11-71 hearing and MCLM's requirement to disclose what revenues the DePriests and their affiliates had during the relevant periods.	MCLM failed to disclose or list all affiliates and assets of affiliates, making the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	10	fn18	¹⁸ However, the spousal affiliation, Mr. DePriest being an officer and director of MCLM, and the additional affiliates disclosed by MCLM (which changed its size) have all become known solely due to evidence submitted by Petitioners. The Bureau at no point has conducted any investigation or held a hearing. Thus, if not for the Past Pleadings none of these facts would have been known.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio and which invalidates the Donald De Priest bankruptcy

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	11	2	Recon Order at Footnote 35 acknowledges that ACL provided evidence that Mr. DePriest (statements by MCLM and DePriest himself) is an officer and director of MCLM. ²⁰ Yet the Recon Order inexplicably went on to comment that this was not of decisional importance. The Past Pleadings (see e.g. but not limited to, the First Recon, ACL Recon and Second Recon) demonstrated that a change in control from what is stated on the Form 175 after the short-form deadline disqualifies the applicant from the auction and the long-form (if the bidder won any license). The Recon Order is clearly in error for again avoiding application of the relevant rules and the consistent precedents involved.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	11	fn20	²⁰ It, however, fails to acknowledge that the PD has provided since day one evidence that Mr. DePriest is the sole director and President of Communications Investments, Inc. ("ComI"), the controlling interest of MCLM, and therefore has control of MCLM (See e.g. PD at pages 33-34, including, but not limited to, the description of Exhibit 1, Document 4, which states, "This filing shows that Donald DePriest controlled Communications Investments, Inc.", then see also Exhibit 1, Document 4 of PD that contains among other items a State of Mississippi Annual Report, certified as truthful, by Mr. DePriest himself that confirms this). In addition, the PD provided Sate of Delaware documents for MCLM that show that at the time of the Form 175 deadline S/RJW Partnership L.P.'s general partner was Medcom Development Corporation, which is owned and controlled by Mr. DePriest. [continued below]	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	11	fn20	[fn20, continued from above] And subsequent filings in the Past Pleadings provided additional evidence (including another State of Mississippi Annual Report for Communications Investments, Inc. submitted by Sandra DePriest in 2006 stating that Mr. DePriest is the sole director and President of Coml. The Commission must review the Past Pleadings due to these obvious Bureau failures (It is unreasonable for the Bureau to assert that such documents are not clear prima facie evidence and do not have "probative" value. They are in English and, as many required government reports, are clear on their face as to what facts they reflect. It can only be that the Bureau has failed to review this evidence or is deliberately choosing to ignore it in order to deny Petitioners their rights and avoid a holding a hearing).	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	12	1	Regarding spousal affiliation and MCLM's affiliates, it was the PD that made the Bureau aware of these facts. In fact, one central issue for grant of the PD was spousal affiliation. The First Order conceded that this was an issue that had to be dealt with. If it were merely a minor amendment, then there was no need to deal with it in the PD proceeding or in any proceeding prior to grant of the Application and Amendment. However, the Bureau dealt with the spousal affiliation in a major proceeding, the Amendment Order, and had a major requirement for additional payment (well over a million dollars), as a condition precedent to grant of the Application. They cannot now claim it is a minor amendment nor that the Bureau has lawfully dealt with it in a private proceeding. ²¹	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio

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2007 04 09	04-09-2007 Application for Review, Errata version - marked	13	1	(2) The Recon Order failed to address the Past Pleadings evidence that Donald DePriest is a controlling interest of MCLM since he is the sole director and President of Coml per sState records and that he is an officer and director of MCLM. These facts reflect a change of control, which is a major amendment and makes the Application incurably defective. MCLM did not admit to disclose these facts prior to the Form 175 deadline. Rather than reiterate the arguments and facts already before the Commission, Petitioners refer the Commission to the Past Pleadings (above Petitioners have noted where some of this evidence is located in said past pleadings).	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio
2007 04 09	04-09-2007 Application for Review, Errata version - marked	17	3	In addition, the Recon Order avoids the fact that besides "ownership," §1.929 defines a change of control as a major amendment too. ²⁹ Petitioners provided evidence as shown and discussed in the Past Pleadings and herein that a change of control of MCLM has occurred, including but not limited to, that Mr. DePriest is an officer and director of MCLM and he is the sole director and president of its controlling interest, Coml. Since this was never disclosed in MCLM's Form 175 (nor in the Application), it is disqualifying per §§ 1.929 and 1.2105.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio

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2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	5	4	The WTB erred first because the facts clearly show that Donald DePriest is not simply the spouse of Sandra DePriest, ³ rather, he is unquestionably the real party in interest to the MCLM application. The amendment filed by MCLM that added some of Donald DePriest's revenue (but continued to conceal other revenue) was wholly insufficient, even if it were deemed to comply with the spousal attribution rule. The amendment only addressed MCLM's reading of the spousal attribution, but failed to address the real party in interest rules.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio
2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	5	fn3	³ But even that alone, under the spousal affiliate rule at issue, is deemed to constitute co-control, and the DePriests never showed otherwise.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio
2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	5	5	Donald DePriest is not simply the spouse of Sandra DePriest. He is a real party in interest to the MCLM application. Ironically, the Order expressly references the correspondence of Fred C. Goad which, among many other sources in proper FCC filings, details many facts that show that Donald DePriest treated MCLM as his company. More than sufficient information along these same lines was provided by Skytel-2 in its petitions to deny, for reconsideration and its application for review (initial and errata, amended copies) and should have been considered by the WTB.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio

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2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	6	2	Donald DePriest is, at a minimum, a 50% owner of MCLM based on the real party in interest standard, regardless of how the WTB read the spousal attribution rule. The MCLM amendment was insufficient and untruthful because it failed to show Donald DePriest as a real party in interest with at least a 50% stake. The reason why MCLM failed to file an accurate and complete amendment is obvious.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio
2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	6	3	It would be a major amendment to change the MCLM application to show Donald DePriest as at least a 50% owner. Sandra DePriest would go from 100% control to 50% control. Parties who each have 50% control are deemed to have negative control. A change in status from positive 100% control to 50% negative control is a transfer of control. ⁴ A transfer of control is a major amendment. It could not be filed by MCLM after the auction (or short form deadline) and therefore its application had to be dismissed.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio

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2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	7	3	Application of the spousal attribution rule was not even necessary here. Donald DePriest is not an uninvolved spouse. He is a real party in interest. He must be listed in the MCLM application as at least a 50% equity interest holder and controller for the application to be accurate. The spousal attribution rule is not even necessary in this circumstance because Donald DePriest's revenues are all directly attributable to MCLM because Donald DePreist is a real party in interest to the application, at least a co-controller if not the sole controller as it appears from the evidence (including in the HDO FCC 11-64 and the investigation it described and the SkyTel petitions it cites to, in 11-71, in 13-85 and in the Maritime bankruptcy case in which the FCC is a party).	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio
2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	7	4	Section 1.2110, Designated Entities, Subsection (c), Definitions, defines "controlling interests" to include "entities with either de jure or de facto control of the applicant." 47 C.F.R. §1.2110(c)(2). It is beyond denial that Donald DePriest had at least 50% negative de facto control of MCLM. As such, the application was defective and needed to be amended to disclose Donald DePriest as the holder of at least 50%, negative control. Not only was that never done, but the DePriests never even tried to cure in any way the serial violations of required corrective filings under rule §1.65 cited in the HDO FCC 11-64 by amending the subject Auction 61 long form to list their post-long-form- begrudgingly partly admitted list of affiliates and attributable gross revenues, what to speak of amendments to their application for extraordinary relief in 13-85 regarding illegally warehoused AMTS site-based licenses nationwide for up to about 2.5 years after the dates of auto termination they recently admitted to in 11-71.5	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio

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2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	8	3	To correct its deficient application, MCLM would have had to amend the application to disclose that Donald DePriest is at least a 50% owner. That amendment would have involved a transfer of negative control and that would be a major amendment under Section 1.2105(b), Modification and Dismissal of Short Form Applications.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio
2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	10	1	Donald DePriest has been shown to be a controlling interest holder and the MCLM application required a major amendment to correct its inaccuracy, an amendment that it could not file after it had participated in the auction based on an inaccurate application. Therefore, the WTB should have dismissed the MCLM application, not the SkyTel petitions to deny and reconsideration petitions, and in any case the Commission must now find the issuance of the Auction 61 licenses to MCLM as void ab initio. SkyTel has demonstrated in its petitions challenging the MCLM long form and the WTB issuance of Auction 61 licenses to MCLM that the licenses awarded to MCLM are void ab initio and two of the SkyTel entities are the lawful high bidders.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio

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Appendix 1

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2014 10 24	2014 10 24 OPPOSITION TO PETITIONS FOR RECONSIDERATIO N- Errata Copy() marked	8	7	Furthermore, if Donald DePriest's personal debt can be moved over to MCLM, which is allegedly solely owned by Sandra DePriest and not Donald DePriest (Sandra DePriest, Donald DePriest and MCLM have stated to the FCC and courts that MCLM is solely owned and controlled by Sandra DePriest, except for a smaller later amount they claim Fred Goad holds, but that Goad denies), then it shows that Donald DePriest and Sandra DePriest really have common property and that any debts owed by Donald DePriest are also shared by Sandra DePriest, and therefore MCLM.	Donald DePriest is co-controller and co-owner of MCLM licenses, nondisclosure of which made the licenses void ab initio
2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	17	2	Second, the new exception to Jefferson Radio is wholly inappropriate. The Commission recognized that the SCRRA exception benefits the DePriests (and MCLM and affiliates) to the tune of many millions of dollars. Since the Commission denied Second Thursday relief because of the unjustified benefit to the DePriests, it is clear that the SCRRA exception is not and cannot be justified under Second Thursday relief.	The value of the MCLM licenses exceeds the innocent debt and Second Thursday is for the purposes of benefiting innocent creditors, not providing a boon to MCLM or Choctaw

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2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	12	fn8	⁸ But as SkyTel showed in 13-85 and other proceedings including the MCLM bankruptcy (in which the FCC is a party), MCLM thwarted even that by a sham bankruptcy the FCC went along with to date, in which the financial supporters of MCLM, now called Choctaw, that funded the wrongdoing with security in the proceeds of the wrongly obtained licenses, pose first as the innocent creditors and then, in the Second Thursday request, as saviors of the public interest, if they can now only obtain a huge windfall profit by getting the licenses they wrongfully funded in the first place. That, and more to it, is a sham bankruptcy created to foil the FCC enforcement of	The value of the MCLM licenses exceeds the innocent debt and Second Thursday is for the purposes of benefiting innocent creditors, not providing a boon to MCLM or Choctaw
2014 10 15	2014 10 15 PETITION FOR RECONSIDERATIO N Of Skytel-2 Entities- Errata Copy() - marked	17	3	The Commission must admit that the SCRRA exception to Jefferson Radio is a new and novel exception to Jefferson Radio that is separate and apart from Second Thursday. Indeed, there is no discussion whatsoever in the SCRRA portion of the Order that the relief is necessary to benefit still-undetermined “innocent creditors” of Maritime, the bedrock standard of Second Thursday relief. The SCRRA discussion focuses squarely on excusing the multi-million dollar benefit to the DePriests, something that is anathema to Second Thursday. So the SCRRA relief is an entirely new and novel creation of the Order.	The value of the MCLM licenses exceeds the innocent debt and Second Thursday is for the purposes of benefiting innocent creditors, not providing a boon to MCLM or Choctaw

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2007 04 09	Petition for Reconsideration Based on New Facts filed by Telesaurus Holdings GB LLC's on April 9, 2007, re: File No. 0002303355				
2008 07 09	Supplement to Application for Review: Regarding New Facts, filed by Warren Havens et al. on July 9, 2008, re: File No. 0002303355 and DA 07-1196				
2009 09 14	Petition for Reconsideration Based on New Facts, filed by Warren Havens et al. on September 14, 2009, re: File No. 0002303355 and DA 07-1196				
2009 09 16	Request to Accept, filed 9/16/09 by Warren Havens et al.				
2010 03 09	Filing of Relevant Information in the Section 308 Proceeding Related to the Above-Captioned Section 309 Matter And Supplement to 3.9.2010 to the Petition for Reconsideration Based on New Facts in the Above-Captioned Section 309 Matter, filed by Warren Havens et al. on March 9, 2010, re: File No. 0002303355 and DA 07-1196				

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